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10/501,234	07/12/2004	Reiko Ueno	2004_1040A	3548

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EXAMINER	
MUSA, ABDELNABI O	

ART UNIT	PAPER NUMBER
2146	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/501,234	UENO ET AL.	
	Examiner	Art Unit	
	ABDELNABI O. MUSA	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *43-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *43-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The instant application having Application No. 10/487959 has a total of 58 claims pending in the application; there are 2 independent claims and 13 dependent claims, all of which are ready for examination by the examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/08/2008 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim(s) 54-58 are rejected under 35 U.S.C. 101 because they recite a "computer program product containing instruction executable by a computer." This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. A computer program is not clearly a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a

tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim(s) 43-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanekar et al. Patent No (US. 6,751,191 B1)

As per **claim 43** Kanekar teaches a method of starting a first routing device connecting a plurality of networks (FIG.2) to which a plurality of routing devices are connected (FIG.8),

wherein each routing device (204) stores master router (202) data (208) for each network (FIG.2) to which the routing device (R2) is connected and network identification data (FIG.4) (routing device stores configuration file of master router Col.3, Line 15; FIG.14B),

wherein the master router (R1) data stored by each routing device (R2) indicates whether the respective routing device (FIG.6) is a master router (608) located on a path to a parent router that assigns the network identification (408) data to identify the networks (FIG.2) or a slave router (606) which is a routing device (R1) other than the

master router (R2) (the received signal indicates if the initialization is a master router of a slave router Col.7, Line 20; FIG.8), and

wherein the network identification (1304) data of each respective routing device (C1, C2) identifies a network (FIG.13) to which the respective routing device (C1) is connected (1310) (the device identification information defines the network Col.3, line 57-65; FIG.14),

the method comprising:

requesting (122), by the first routing device (R2), the master router (R1) data (FIG.13A) from each routing device (C1) connected to any of the networks (FIG.7) to which the first routing device connects (host obtains data information from master router to connect Col.8, line 65; FIG.9); and

disabling a router function (208) of the first routing device when a number of detected master routers connected to any of the networks (FIG.2) to which the first routing device connects is zero or two or more (the master router forwards packets until fails then the slave router takes over Col.15-40; FIG.9), the number being based on acquired master router data (FIG.13) received from the routers (C1,c2) in response to the requesting (122) of the master router data (800) (FIG.8)

As per **claim 44** Kanekar teaches the method according to claim 43, wherein, when receiving data (FIG.13) relating to a request for an attribute of a routing device (R3), a routing device returns a response (1416), even if a hop count is zero and the network identification data (FIG.13) of the source of the received data (H3) is different

from the network identification stored in the routing device (R3) which received the request for the attribute (multiple hops and multiple router act on data functions according to threshold Col.15, Line 53-65; FIG.14)

As per **claim 45** Kanekar teaches the method according to claim 43, wherein, when a communication device (C1) connected to the networks (FIG.2) stores network identification data (208) to identify a network to which the communication device connects (each command line of FIG.4 identifies a particular router and a path to connect to the network Col.7; Line 5-17; FIG.7), the method further comprises transmitting requests for reading out network identification data (FIG.13) to communication devices (FIG.8) connected to any of the networks (FIG.2) to which the first routing device (R1) is connected, and disabling the router function (R2 stands by when R1 functioning well) of the first routing device (R1) when a configuration (208) of the networks (FIG.2) to which the first routing device is connected is different from a configuration of networks stored by the first routing device (the master and the slave routers may deliver different routing decisions Col.4, Line 1-17; FIG.3)

As per **claim 46** Kanekar teaches the method according to claim 43, further comprising transmitting a request (1308) for reading out information (1310) relating to the parent router (1309) to a routing device (R3) which stores master router (R1) data (1410) indicating a master router (FIG.14).

As per **claim 47** Kanekar teaches the method according to claim 43, wherein only the master router requests writing of the network identification data to communication devices other than the routing devices (the master router forwards packets to devices until fails 1116; FIG.11), the master router accepts a request for writing the network identification data (FIG.13) only from the parent router (R2), and the parent router does not accept the request for writing the network identification data (the slave router functions only if the master router fails 1200; FIG.12)

As per **claim 54** Kanekar teaches a computer-readable recording medium having a program recorded thereon, the program causing a computer to execute the method of claim 43 (a computer program implemented in memory to run operations Col.16, Line 58; FIG.15)

Claims 48-53, and 55-58 are related to the same limitation set for hereinabove, where the difference used is interchanged the wording on the claims within the claim itself and was differently presented from the above treated claims. This change does ***NOT*** effect the ***limitation*** of the above treated claims. The citations from the prior art have been inserted as needed. Refer to the cited prior art for more details. Even though claim(s) 48-53, and 55-58 have been differently written from the above treated claims, yet the limitations did NOT change. As mentioned, claim 48 is the same as claim 43, claim 49 is the same as claim 46, claim 50 is the same as claim 49, claim 51 is the same as claim 47, claim 52 is the same as claim 51, claim 53 is the same as claim 52, ,

claim 53 is the same as claim 52, claim 55-58 is the same as claim 55, again there is no difference in ***limitations*** between claims 48-53, and 55-58 and the above treated claims, Refer to MPEP on claim format and presentations

Prior Art

5. The following prior art from the updated search made of record and not relied upon:

- Ogle et al. Patent No. (US 6,052,736)
- Zinin et al. Patent No. (US 6,950,427 B1)
- Beatty et al. Patent No. (US 5,602,754)

Response to Amendment

Applicant's arguments with respect to claim 43-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.M

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2146